

**haynes|boone**  
Are you changing?  
www.haynesboone.com

**HAYNES AND BOONE, LLP**  
**Fax Transmittal**

RECEIVED  
CENTRAL FAX CENTER  
AUG - 6 2004

**DATE:** Friday, August 06, 2004 4:00:18 PM **Total Pages Including Cover:** 06

**TO:** Examiner Jones  
**Company:** USPTO - Art Unit 2128  
**Fax #:** 1-703-872-9306  
**Phone #:**  
**Client/Matter #:** 28207. 3

OFFICIAL

**FROM:** Laura Howeth  
**Direct Phone #:** 972-739-8663  
**Direct Fax #:** 214-200-0853  
**Haynes and Boone, LLP**  
2505 N. Plano Road  
Suite 4000  
Richardson, TX 75082-4101  
**Main Phone #:** (972) 680-7550  
**Main Fax #:** (972) 680-7551

Should you have any problems with this transmittal, please call.

**MESSAGE:**

US Patent Application 09/518697

**Confidentiality Note:** The information contained in this facsimile message is privileged and confidential and is intended only for the use of the addressee. The term "privileged and confidential" includes, without limitation, attorney-client privileged communications, attorney work product, trade secrets, and any other proprietary information. Nothing in this facsimile is intended by the attorney or the client to constitute a waiver of the confidentiality of this message. If the reader of this message is not the intended recipient, or employee/agent of the intended recipient, you are hereby notified that any duplication, or distribution of this communication is unauthorized. If you have received this message in error, please notify us by telephone immediately so that we can arrange for the return of the original documents to us at no cost to you.

Attorney Docket Number: 28207.3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	§	
Wakelam et al.	§	Customer No. 27683
	§	
Application Number: 09/518,697	§	Docket No.: 28207.3
	§	
Filed: March 3, 2000	§	Art Unit: 2128
	§	
For: COMPUTER-IMPLEMENTED	§	Examiner: Hugh M. Jones
AUTOMATED BUILDING DESIGN AND	§	
MODELING AND PROJECT COST	§	
ESTIMATION AND SCHEDULING	§	
SYSTEM	§	

TRANSMITTAL

VIA FACSIMILE - 1-703-308-9051

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

With reference to the Notice of Allowance and Fee(s) Due mailed on July 26, 2004 for the above-referenced application, Applicants reviewed the file history to confirm that all prior art cited during prosecution had been considered and acknowledged by Examiner.

In reviewing the file, Applicants discovered that an acknowledgement of prior art cited in the Information Disclosure Statements ("IDS") filed on June 20, 2000 had not been issued by the Examiner. In the official action dated February 17, 2004, the Examiner makes reference to the subject Information Disclosure Statement and notes that items AO-AR and BO-BR were not considered, but there is no confirmation as to whether or not items AA and AB were considered and acknowledged.

Applicants have since responded to the non-compliance noted by the Examiner for items AO-AR and BO-BR. In turn, the Examiner has considered and acknowledged the items. However, we have yet to receive acknowledgement of AA and AB. Therefore, enclosed herewith is a copy of the IDS filed June 20, 2000 and PTO-1449 Form.

Attorney Docket Number: 28207.3

Applicants respectfully request that the references cited in the enclosed IDS submissions be considered by the Examiner and that the Examiner issue a Supplemental Notice of Allowance and Fee(s) Due along with a copy of the enclosed Form PTO-1449 indicating that the prior art has been considered.

Because the due date to file payment of the Issue Fee is October 26, 2004, immediate action is respectfully requested.

Applicants believe that no fee is due. However, the Commissioner is hereby authorized to charge any deficiency fees or credit any overpayments associated with this communication to Deposit Account 08-1394.

Respectfully submitted,

*T. F. Bliss*

Timothy F. Bliss  
Registration Number 50,925

Dated: 8/6/04  
HAYNES AND BOONE, LLP  
901 Main Street, Suite 3100  
Dallas, Texas 75202-3789  
Telephone: [972] 739-8638  
Facsimile: [214] 200-0853  
R81345.1

CERTIFICATE OF FACSIMILE TRANSMISSION
I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office on the date shown below.
Facsimile No.: 1-703-308-9051
Date: <u>8/6/04</u>
<i>Laura I. Smith</i> Laura I. Smith